

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:22-cv-6989-MCS-PDx Date. March 24, 2025

Title *Scott Hargis v. Pacifica Senior Living Management LLC, et al.*

Present: The Honorable: Patricia Donahue, United States Magistrate Judge

Isabel Verduzco
Deputy Clerk

N/A
Court Reporter / Recorder

Attorney Present for Plaintiff:
N/A

Attorneys Present for Defendant:
N/A

**Proceedings (In Chambers): Order Granting in Part Plaintiff's
Motion for Attorney Fees and Costs
for Contempt Motion
[Dkt. No. 220]**

Plaintiff and Judgment Creditor Scott Hargis, d/b/a Scott Hargis Photo ("Plaintiff") has moved for an order finding Defendant and Judgment Debtor Pacifica Senior Living Management, LLC ("Defendant") in contempt for failing to comply with this Court's December 19, 2024 Order. The Certification of Facts and Order To Show Cause Why Defendant Should Not Be Held In Contempt (the "OSC") is filed concurrently herewith. This Order addresses Plaintiff's request for fees. The Court has conducted several discovery conferences and reviewed the pertinent pleadings [Dkt. Nos. 220, 223, 225] and is familiar with the post-judgment discovery disputes in this matter. For the reasons set forth below, the Motion is granted in part.

The background of this issue is set forth in the OSC. The applicable law is set forth in the Order Granting in Part Plaintiff's Motion for Attorney Fees and Costs issued on March 4, 2025. [Dkt. No. 251.] As set forth in that

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Order, the Court finds that that billing rates requested by Plaintiff are reasonable. [See *Id.*]

Plaintiff submitted the Declaration of Taylor Foss, one of the attorneys representing Plaintiff in this matter, stating that he spent one hour of billable time reviewing and revising Plaintiff's motion for an order of contempt. [Dkt. No. 220-2 ¶ 4.] His hourly rate is \$695. Plaintiff also submitted the Declaration of Christopher Skinner, stating that he spent a total of 13 hours, specifically 8 hours researching and preparing the motion, 2 hours preparing for the hearing, and 3 hours traveling from his Orange County office to Los Angeles for the hearing. [Dkt. No. 220-3.] As the Court took the hearing on this motion off calendar [See Dkt. No. 229], the Court concludes that the hearing referenced in the Skinner Declaration is the January 7, 2025 discovery conference. That hearing was necessitated by Defendant's failure to comply timely with the December 19, 2024 order, in that Defendant did not produce the documents responsive to Issue Two by the December 27, 2024 deadline. Under Rule 37(b)(2), Defendant should be ordered to pay the attorney's fees "caused by" Defendant's failure to comply with the Order. The attorney fees incurred by Plaintiff to attend that hearing were caused by Defendant's failure to comply with that order.

Additionally, as a result of Defendant's failure to comply with the order that an employee or agent of Defendant with knowledge of the requested documents must attend the Discovery Status Conference in person, Plaintiff incurred fees in preparing the instant motion. The Court finds that a total of 8 hours (5 hours researching and preparing the motion and 3 hours traveling to the hearing) at Mr. Skinner's hourly rate of \$495 is reasonable. As Mr. Foss solely reviewed Mr. Skinner's work, the Court does not include his fee in the award.

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For the reasons set forth above, Defendant Pacifica Senior Living Management LLC is ordered to pay Plaintiff Scott Hargis, d/b/a Scott Hargis Photo, **\$3,960.00**, which are the reasonable fees and costs caused by Defendant's failure to comply with the Court's December 19, 2024 order.

This amount shall be paid by Defendant Pacifica Senior Living Management LLC, and not by counsel for Defendant, as the record shows that Defendant, not counsel, was primarily responsible for the failure to comply with the Order.

Defendant shall pay this amount to Plaintiff no later than **April 7, 2025**.

IT IS SO ORDERED.